

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEHEMIAH AVILA,

Plaintiff,

v.

UNITED STATES MARSHALS, et al.,

Defendants.

No. 2:23-cv-0136 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

On March 2, 2023, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. The thirty-day period has now expired, and plaintiff has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified

1 time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th  
2 Cir. 1991).

3 Dated: April 19, 2023

*Carolyn K. Delaney*

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5 CAROLYN K. DELANEY  
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9 UNITED STATES MAGISTRATE JUDGE  
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